

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITY INSURANCE COMPANY OF  
HARTFORD Itself, and as Successor in Interest to  
THE FIRE AND CASUALTY INSURANCE  
COMPANY OF CONNECTICUT and THE  
CONNECTICUT INDEMNITY COMPANY

Petitioner,

-against-

COMMERCIAL RISK REINSURANCE  
COMPANY LIMITED (BERMUDA) and  
COMMERCIAL RISK RE-INSURANCE  
COMPANY (VERMONT),

### Respondents.

$$\begin{array}{c} \textbf{x} \\ : \\ . \\ . \\ . \\ : \\ : \\ : \\ : \\ : \\ . \\ . \\ . \\ . \\ : \\ : \\ : \\ : \\ : \\ \textbf{x} \end{array}$$

Case filed under seal

**Docket No. : 07 CV 7191 (VM)**

**AFFIDAVIT OF  
JOHN P. HIGGINS  
IN OPPOSITION TO MOTION TO  
CONFIRM ARBITRATION  
AWARD**

[illegible]

John P. Higgins, being duly sworn, deposes and says:

1. I am a member of the law firm of D’Amato & Lynch, LLP, counsel for respondents Commercial Risk Reinsurance Company Limited and Commercial Risk Re-Insurance Company (referred to collectively as “CRP Companies”). I submit this affidavit in opposition to the petition of Security Insurance Company of Hartford (“SICH”) for on order confirming an arbitration award dated July 16, 2007 (the “Award”).

2. CRP Companies oppose the petition on the grounds that the Court's prior order dated May 8, 2007, granting SICH's Petition to Compel Arbitration, was improper as a matter of law. A copy of SICH's Petition to Compel Arbitration is attached hereto as Exhibit 1.


3. A copy of CRP Companies' Answer to the Petition to Compel dated April 30, 2007, is attached hereto as Exhibit 2.

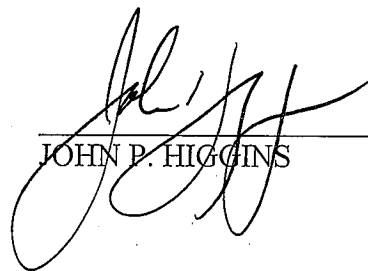
4. CRP Companies opposed the Petition to Compel on the grounds that as a matter of law, a new arbitration panel was required to have been appointed following the withdrawal of arbitrator Theodor Dielmann, given that the only proceedings that had taken place in the arbitration had been purely procedural. A copy of the e-mail from arbitrator Dielmann in which he advised the parties of his withdrawal, which is referenced in the Petition to Compel Arbitration and CRP Companies' Answer at paragraph 51 of each, is attached hereto as Exhibit

3. A copy of the transcript of the preliminary administrative proceedings in the arbitration, which is referenced in the Petition to Compel Arbitration and CRP Companies' Answer at paragraphs 39 through 46 of each, is attached hereto as Exhibit 4.

5. The Court heard oral argument of the Petition to Compel Arbitration on May 8, 2007. A copy of the transcript of the argument, including the Court's ruling from the bench, is attached hereto as Exhibit 5.

Sworn to before me this 11th  
day of October, 2007.

  
Notary Public

  
JOHN P. HIGGINS

EDWARD M. ROTH  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02RO6115791  
Qualified in New York County  
My Commission Expires September 13, 2008